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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,236	01/02/2001	Ronald L. Faria	WWB-70-2000	8083

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EXAMINER
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NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,236

Applicant(s)

FARIA ET AL.

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Page 12, line 6: What is the “(FIGURE )” meant? A number should be inserted after “FIGURE”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Zarembo et al. (US 5,625,339; hereinafter “Zarembo”).

Re claims 1 and 7: Zarembo teaches a device 100 for desensitization or sensitization of magnetic security markers comprising: electromagnetic transducer means which when powered by DC current will desensitize the markers that are moved past the transducers/magnetic-field-generator 30, and when powered by AC current will sensitize the markers that are moved past the transducers 30 (figs. 1 and 4; col. 2, line 32 through col. 3, line 15); electronic means 110 to power the transducer with DC or AC current; and switch means to shift the power to the transducer means between AC and DC (figs. 5A-5D; col. 4, lines 55-64).

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Re claim 2: Zarembo teaches a device, wherein the transducer means is comprised of an electromagnet/magnetizing-coil and a pair of intensifier blocks/poles 40, 42 that focus its flux between the pair of intensifier blocks/poles 40, 42 (fig. 4; col. 3, lines 47-52).

Re claim 3: Zarembo teaches a device, wherein the electromagnet is comprised of a plurality of coils and a core 32 (figs. 4 and 5a; col. 4, lines 5-9; and col. 4, lines 55-64).

Re claim 9: Zarembo teaches an apparatus for desensitizing or sensitizing electromagnetic markers attached to books or video comprising: housing 12 comprised of a base 18, a cover, and a magnet housing 30; an electromagnetic transducer secured to the base and the magnet housing in position to emit electromagnet flux through the magnet housing; and electronic circuitry to power the transducer with direct current or alternating current and to switch between DC and AC wherein books or videos are moved in sliding contact with the magnet housing in translational motion through the flux emitted from the transducer so that the markers are desensitized when the transducer is powered with DC current and sensitized when the markers are powered with AC current (figs. 1-2; col. 2, line 32 through col. 3, line 15; col. 4, lines 55-64).

Re claim 10: Zarembo teaches an apparatus, wherein the electromagnetic transducer is comprised of an electromagnet/magnetizing-coil and a pair of intensifier blocks/poles 40, 42 which focus the flux of the transducer (fig. 4; col. 3, lines 47-52).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zarembo in view of Copeland et al. (US 6,060,988; hereinafter "Copeland"). The teachings of Zarembo have been discussed above.

Zarembo is silent with respect to the core, which is comprised of sheets of .012" thick 3% grain oriented silicon sulfide transformer steel laminated together.

Although, Copeland teaches a core 20, which is comprised of silicon steel sheets laminated together, and thickness of the core being 1 inch (fig. 1; col. 2, lines 45-46; col. 3, lines 56-62; col. 10, lines 4-8); Copeland is not specific of the above limitation.

How ever, in view of Copeland's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made that the thickness and material made of the core (i.e. the sheet thickness is .012" and silicon sulfide transformer steel) could be varied, if necessary, in order to improve the magnetic field generated around the core to further transform the status of the marker (i.e., de/sensitize the marker). Moreover, it is noted that the claimed "sheets of .012" thick 3% grain oriented silicon sulfide transformer steel laminated together" is not considered novel (see In re Rose, 105 U.S.P.Q. 237; In re Aller et al., 105 U.S.P.Q. 233; In re Dailey et al., 149 U.S.P.Q. 47; In re Reese, 129 U.S.P.Q. 402; In re Gibson, 45 U.S.P.Q. 230) because it would have been an obvious expedient for one with ordinary in the art to modify the claimed invention as taught by Copeland wherein the core's dimension and material made of the core could be varied size, shape and material.

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6. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zarembo in view of Halpern (US 6,173,897; hereinafter "Halpern"). The teachings of Zarembo have been discussed above.

Although, Zarembo teaches the advantages of the design of the magnetic-field-generator/transducer to maximize the flux across the tip of the poles 40 and 42 (col. 4, lines 32-54); Zarembo fails to teach or fairly suggest the flux having a depth of 2 inches and a width equal to the width of the transducer.

Halpern teaches a flux energy from an antenna spacings beyond 6 inches (col. 8, lines 65-67).

How ever, in view of Halpern's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made that the depth and width of a flux could be varied, if necessary, in order to maximize the flux energy and to focus the flux in a desired space. Moreover, it is noted that the claimed "flux having a depth of 2 inches and a width equal to the width of the transduce" is not considered novel (see In re Rose, 105 U.S.P.Q. 237; In re Aller et al., 105 U.S.P.Q. 233; In re Dailey et al., 149 U.S.P.Q. 47; In re Reese, 129 U.S.P.Q. 402; In re Gibson, 45 U.S.P.Q. 230) because it would have been an obvious expedient for one with ordinary in the art to modify the claimed invention as taught by Halpern to vary the depth and width of the flux wherein the dimension of the flux could be in any other size and shape.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Torre (US 4,658,241) teaches a surveillance system including transitter and receiver

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synchronized by power line zero crossing. Ghaffari et al. (US 6,169,483) teaches a self-checkout/self-check-in RFID and electronics article surveillance system. Dumont (US 5,587,703) teaches a universal merchandise tag. Kaltner (US 5,059,951) teaches a method and apparatus for integrated data capture and electronic article surveillance. Swartz et al. (US 5,594,228) teaches a self-checkout, point-of-transaction system including deactivatable electro-optically coded surveillance tags. Foote et al. (US 3,874,586) teaches an information-carrying article and reading apparatus and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN  
December 6, 2002



**MICHAEL G. LEE**  
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